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Attorneys for Plaintiff  
ZACHARIAH JUDSON RUTLEDGE

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

\* \* \* \* \*

ZACHARIAH JUDSON RUTLEDGE,

Plaintiff,

vs.

COUNTY OF SONOMA, MICHAEL  
POTTS, RUSSEL L. DAVIDSON,  
JAMES PATRICK CASEY, CHRISTINE  
M. COOK, BEAU R. MARTIN,  
J. MICHAEL MULLINS, STEPHAN R.  
PASSALACQUA, GREG JACOBS,  
SONOMA COUNTY SHERIFF'S  
DEPARTMENT, SONOMA COUNTY  
DISTRICT ATTORNEY'S OFFICE,  
and DOES 1 through 40.

Defendants.

CASE NO.: CV 07-04274 CW

**PLAINTIFF'S  
SECOND REQUEST  
FOR JUDICIAL NOTICE  
IN SUPPORT OF OPPOSITION  
TO DEFENDANTS' MOTION  
TO DISMISS**

Date: June 12, 2008  
Time: 2:00 p.m.  
Courtroom: 2 (4<sup>th</sup> Floor)  
Judge: Hon. Claudia Wilken

1 COMES NOW Plaintiff, Zachariah Rutledge, and respectfully requests that the Court  
2 take judicial notice, pursuant to Rules 201 and 302 of the Federal Rules of Evidence, of the  
3 following documents:

4  
5 Exhibit 9 - PEOPLE'S PROPOSED WITNESS, Sonoma County Superior Court, People v.  
6 Rutledge, Case No. MCR-443363, dated June 30, 2006.

7 State of California Courts take judicial notice of this document under California Evidence  
8 Code § 452(c) regarding official acts of a legislative/executive department of a state. Further,  
9 State of California Courts may take judicial notice of this document under California Evidence  
10 Code § 452(d) in that it is a record of a court of this state, and under California Evidence Code §  
11 452(h) in that it provides facts and propositions that are not reasonably subject to dispute and  
12 are capable of immediate and accurate determination by resort to sources of reasonably  
13 indisputable accuracy.

14  
15 Dated: June 2, 2008

16 Respectfully submitted,

17 \_\_\_\_\_/s/\_\_\_\_\_  
18 Editte Lerman  
19 Attorney for Plaintiff  
20 Zachariah Rutledge  
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## EXHIBIT 9

EPHAN R. PASSALACQUA, SBN # 138293  
DISTRICT ATTORNEY, COUNTY OF SONOMA

DIANA E. GOMEZ, SBN #127417

Chief Deputy District Attorney

CHRISTINE COOK, SBN #194563

Assistant District Attorney

Hall of Justice, Room 212-J

600 Administration Drive

Santa Rosa, CA 95403

(707) 565-2311

Attorney for the People

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

THE PEOPLE OF THE STATE OF CALIFORNIA, ) Court No.: MCR-443363

Plaintiff, ) D.A. No.: DAR-443724

) PEOPLE'S PROPOSED  
) WITNESS LIST.

v.

) Date: August 1, 2006

) Time: a.m./p.m.

) Dept.: 4

ZACHARIAH JUDSON RUTLEDGE,

Defendant.

The following is a list of witnesses that may be called by the People:

Dep. T. Dulaney, SCSO

Dep. J. Craver, SCSO

Dep. E. Greenband, SCSO

Dep. V. Eaton, SCSO

(Former) Officer R. Nunez, Santa Rosa P.D.

District Attorney Investigator Tony Gillotte, Sonoma County District Attorney's Office

District Attorney Investigator David Brown, Lake County District Attorney's Office

(Retired) District Attorney Investigator Lynne McOmber, Sonoma County District Attorney's Office

(Retired) District Attorney Investigator Gary Giovannoni, Sonoma County District Attorney's Office

Officer R. Mota, California Highway Patrol

J. Clemens, Sonoma County Animal Control

- 1 K. Davis, Sonoma County Animal Control
- 2 Sgt. S. Brown, SCSO
- 3 Sgt. W. Wallman, SCSO
- 4 Dep. A. DeiRossi, SCSO
- 5 Dep. R. Zunino, SCSO
- 6 (Retired) Dep. J. Robinson
- 7 Dep. C. Herzog, SCSO
- 8 Dep. P. Gregg, SCSO
- 9 Dep. B. Burke, SCSO
- 10 Sgt. R. Davidson, SCSO
- 11 (Retired) Evidence Technician Craig Flick, SCSO
- 12 (Retired) Dep. R. Rawson, SCSO
- 13 (Retired) Dep. J. Rawson, SCSO
- 14 Stacy Carlo, Sonoma County Probation
- 15 Valri Ayer, Sonoma County Probation
- 16 Patricia Newland, Sonoma County Probation
- 17 Heather Sides, Sonoma County Probation
- 18 District Attorney Investigator Kris Allen, Sonoma County District Attorney's Office
- 19 (Retired) Officer Pat Patterson, California Highway Patrol
- 20 John Yount, California Department of Justice, Santa Rosa
- 21 Officer T. Porter, California State Parole
- 22 Chief Steve Baxman, Monte Rio Fire Department
- 23 Deborah Becker
- 24 Jubilee Beggs
- 25 Sandor Bogdon
- 26 Brent Berry
- 27 Jason Bowers
- 28 David Brocklehurst

- 1 William Brown
- 2 Marlon Burke
- 3 William Chapin, McCrone Institute
- 4 Carol Ciavonne, Santa Rosa Junior College
- 5 Dre Buetow
- 6 Sean Gee
- 7 Daniel Hemenway
- 8 James Lewis Jr.
- 9 James Lewis Sr.
- 10 Tyson McLain
- 11 William McMahon
- 12 Steve O'Rourke, Oakcrest Hospital
- 13 Noah Sandhoff
- 14 Spencer Tomosvary
- 15 Garrett Adair
- 16 Geoffrey Adair
- 17 Gregory Adair
- 18 Gerald Adair
- 19 Jade Baker
- 20 Helen Baum, Sonoma County Mental Health
- 21 Cathy Corbell
- 22 Rita Cordova, Sonoma County Mental Health
- 23 Michael Craig
- 24 Tashi Crane
- 25 Terry Dale, Sonoma County Mental Health
- 26 Park Dietz, MD, Dietz and Associates
- 27 Neil Erlich, Sonoma County Mental Health
- 28 Danny Fair

1 Kenneth Ferguson  
2 Robin Riggs  
3 Marjorie Roush  
4 Ben Schiefelbein, Ph.D., R.J. Lee Group, Inc.  
5 Trevor Sikes  
6 Julie Skinner  
7 Eric Stegner  
8 Anita Storms  
9 Lloyd Strecker  
10 Charles Marcum  
11 Martin Mestrovich  
12 Mitch Mestrovich  
13 Stephan McConnell  
14 Jeffrey McCracken  
15 Brett McKibben  
16 Nan McLain  
17 Tyson McLain  
18 Ed Mellinger  
19 Otto Meyer  
20 James Johnson  
21 Mark Kuchler  
22 Tom Lynch  
23 Deborah Lyons  
24 Tony Madrid, M.D., Russian River Health Center  
25 Mike Malley  
26 Thomas Malone  
27 Dr. Ikechi Ogan, Forensic Medical Group  
28 Jeannie Brandon, California Department of Justice

- 1 Steven Palka
- 2 Noni Palmer
- 3 Stacey Panas
- 4 Tawnja Pflueger
- 5 Michael Rathbun
- 6 Kathy Fuller
- 7 Brady Gatewood
- 8 Jay Genovese
- 9 Jerry Genuing, Norton Mental Health Facility
- 10 Eugene Gianunizio
- 11 Flora Greve
- 12 Peter Hacket
- 13 Michael Dean Hughes
- 14 Steve Jackson
- 15 Tracy Meyer
- 16 Vela Millen
- 17 Carol Miller
- 18 Michael Miller
- 19 Avra Miller
- 20 Redwood "Bro" Miller
- 21 Delmar Mountainstar
- 22 Tamara Murrell, Sonoma County Mental Health
- 23 Emily Musgrave
- 24 Ricardo Navarette
- 25 Joyce Svetlick
- 26 Ron Svetlick
- 27 Ed Svetlick
- 28 Wesley Tischoff



1 John Weser, Santa Rosa Junior College  
2 Mark Wheeler  
3 Tom Williams, Camillus Cutlery Company  
4 Francisco Camacho  
5 Dr. Brian Peterson, Forensic Medical Group  
6 Brian Rice (deceased)  
7 Chris Reynolds  
8 (Retired) Mike Potts, California Department of Justice

9 Additionally, the People reserve the right to call further witnesses which we may  
10 learn of before trial or during trial in this matter or which may be required to rebut ~~defense~~  
11 testimony.

12 DATE: June 30, 2006

Respectfully submitted,

13 STEPHAN R. PASSALACQUA, DISTRICT ATTORNEY

14  
15 BY:

  
16 DIANA E. GOMEZ  
17 Chief Deputy District Attorney  
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## DECLARATION OF SERVICE

I, Editte D. Lerman, declare as follows:

I am a resident of the State of California, residing or employed in Mendocino, California.  
I am over the age of 18 years and am not a party to the above-entitled action. My business address is 45060 Ukiah Street P.O. Box 802, Mendocino C.A. 95460.

On June 2, 2008,

## PLAINTIFF'S SECOND REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

was filed and served upon the following parties via the Court's PACER-ECF electronic filing system.

### *Attorneys for Defendant Michael Potts*

EDMUND G BROWN, JR.

Attorney General of the State of California

JOHN P. DEVINE, ESQ.

Deputy Attorney General of the State of California

California Department of Justice

455 Golden Gate Avenue, Suite 11000

San Francisco, CA 94102-7004

### *Attorneys for Defendants County of Sonoma, Sonoma County Sheriff's Department, Sonoma County District Attorney's Office, Stephan Passalacqua, J. Michael Mullins, Greg Jacobs, Christine M. Cook, Russel L. Davidson, James Patrick Casey, and Detective*

Beau M. Martin

Michael D. Senneff

Bonnie A. Freeman

SENNEFF FREEMAN & BLUESTONE, LLP

50 Old Courthouse Square, Suite 401

P.O. Box 3727

Santa Rosa, CA 95402-3729

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 2<sup>nd</sup> day of June, 2008, at Mendocino, California.

-----/s/-----

Edite Lerman